

## CHEMICAL TESTING PROGRAM LOSC REVIEW SHEET- 2002

For CONSORTIA / THIRD PARTY ADMINISTRATORS (C/TPA)

COMPANY NAME: \_\_\_\_\_

COMPANY CONTACT: \_\_\_\_\_

COMPANY ADDRESS: \_\_\_\_\_

PHONE NUMBER: \_\_\_\_\_

FAX NUMBER: \_\_\_\_\_

EMAIL ADDRESS: \_\_\_\_\_

### 49 CFR Part 40 areas of concern:

Designated Employer Representative (DER) (40.3)	
Identified item/standard	Response from C/TPA
--Appointed DER	
--Alternative Appointed DER (If there is an alternative DER)	
--Appointed in writing	
--DER Identified in submitted documents	

Contracts with Service Agents (40.11)	
--Contracts with service agents – written or oral	
--C/TPA, contract example for clients	

Non-DOT/USCG Drug Testing (40.13)	
--Do any marine employers do non-DOT/ USCG drug test	
--Non-DOT account established for this testing	

Service Agents (40.15)	
--Are all the service agents identified?	
--Collection facility identified in this document	
--SAMHSA Laboratory identified in this document	
--MRO identified in this document	
--C/TPA, if utilized, please identify	
--SAP identified in this document	
--Any other service agents identified	

<b>Stand-down (40.21)</b>	
--Do any of the marine employers have a stand down policy or practice stand-down?	
--If so, is there approval from USCG in writing for this policy	

<b>Non-Negative Drug Test Results (40.23)</b>	
--Positive - Employee immediately removed from safety-sensitive position	
--Adulterated – Employee immediately removed from safety-sensitive position	
--Substituted – Employee immediately removed from safety-sensitive position	
--Dilute – How are procedures given in 40.197 followed	
--Invalid – Immediate observed recollection performed	
--Cancelled – Are recollections done when a negative test result is required (i.e., pre-employment, return-to-duty, or follow-up)	

<b>Drug and Alcohol History Checks (40.25)</b>	
--Documentation of requests sent out	
--Request example meet requirements	
--Records kept for three years	
--C/TPA or marine employer maintain records	
--Documentation of replies to requests	

<b>Specimen Collection Requirements (40.31- 40.37)</b>	
--Collectors meet requirements of 40.31	
--Current copy of 49 CFR Part 40 and 46 CFR Parts 4 and 16 available or documentation of staying current on regulatory changes	
--Collection site(s) have DER contact information	

<b>Collection Site (40.43)</b>	
--Dedicated site; secure	
--If non-dedicated; made secure	

during testing	
--Precautions taken to ensure sample not contaminated	
--Privacy maintained unless observed/monitored collection required	
--Temporary storage accessible by authorized personnel	
--Split specimens collected for marine personnel	

<b>Chain of Custody (40.45)</b>	
--Federal Drug Testing Custody and Control Form (CCF) used	
--CCF distributed per instructions	

<b>Specimen Handling And Shipping to the Lab (40.51)</b>	
--State how the shipping requirements in 49 CFR 40.51 and Appendix A are met	

<b>Test Laboratory Requirements (40.81)</b>	
--DHHS accredited lab utilized (Give name of laboratory)	

<b>Specimen Analysis (40.85 and 46.113)</b>	
--Specimens tested for Marijuana, Cocaine, Opiates, PCP, and Amphetamines	

<b>Specimen Validity Testing (40.89 – 40.95)</b>	
--Specimen validity testing performed (Not required at present time, optional testing)	

<b>Laboratory Reports (40.97)</b>	
--Laboratory test results/reports accessible	
--C/TPA forwards Results/Reports – method of forwarding	

<b>Blind Proficiency Testing (40.103)</b>	
--C/TPA with less than 2,000 DOT covered employees, not required to submit	
--C/TPA with more than 2,000 DOT covered employees, required to submit	
--Documentation of blind proficiency specimen submission by C/TPA	
--Final test results compared to target values	

<b>Statistical Summary Reports (40.111)</b>	
--Reports received from laboratory by C/TPA	
--Reports accessible	
--Reports forwarded to employer	

<b>MRO/DER Employee Contact Interaction (40.131)</b>	
--Documentation of DER actions upon request of the MRO	

<b>MRO Reports of Verified Test Results (40.165)</b>	
--Reports directly from the MRO	
--Reports from the MRO to C/TPA to Employer	
--Documented authorization for reports from MRO to the C/TPA and forwarded to employer	

<b>Receipt of Test Results (40.167)</b>	
--Via phone/letter	
--Documentation for receipt of test results (logbook, log sheet, actual MRO report, etc.)	

<b>Split Specimen Testing (40.171 and 40.187)</b>	
--C/TPA knowledgeable of split specimen testing procedures	
--C/TPA/Employer procedures for split specimen test results	
--Procedures utilized to ensure that there is an immediate recollection of a specimen as required by 40.187(e)	

<b>Test Refusals (40.191)</b>	
--Employer aware of what constitutes a test refusal	
--C/TPA cannot make determination	

<b>“Shy Bladder” Procedures (40.173)</b>	
--Employer responsibilities identified for an employees inability to provide a sufficient specimen amount	

<b>SAP Evaluation Required (40.285)</b>	
--Marine employer aware of when a SAP evaluation is required	

<b>SAP Referrals (40.287)</b>	
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--Employer has name and contact information for SAP	
--Employer has been made aware by C/TPA of when information for SAP is disseminated	

<b>Return-to-Duty Process (40.303 and 305)</b>	
--Employer informed by C/TPA about compliance with SAP recommendations	
--Return-to-Duty tests for drugs and/or alcohol completed	

<b>Follow-up Tests (40.307)</b>	
--Employer complies with recommendations of the SAP	
--Follow-up test schedule is confidential and not known by the employee	

<b>SAP Reports (40.311)</b>	
--Employer receives all SAP reports directly	
--All SAP reports are kept confidential	
--SAP reports maintained for five years	

<b>Records to be kept by the Employer (40.333)</b>	
--Records maintained by C/TPA or employer	
Records for five years	
--Records of verified positive drug test results;	
--Documentation of refusals to take required alcohol and/or drug tests (including substituted or adulterated drug test results);	
--SAP reports	
--All follow-up tests and schedules for follow-up tests.	
Records for three years	
--Information obtained from previous employers under §40.25	
Records for one year	
--Negative and cancelled drug test results	
Maintain the records in a location with controlled access by employer or service agent	

49 CFR Part 40	
-- Marine employer has copy of 49 CFR Part 40 readily available	

#### 46 CFR Part 4 Areas of Concern

Serious Marine Incident (SMI) Defined (4.03-2)	
--Marine employer have readily available the definition and applicable forms	
--Drugs and alcohol are tested for; timely alcohol test done	
--C/TPA has informed each marine employer of where to go to get SMI tests conducted/collected	
--Form CG-2692 and CG-2692B completed and submitted for each SMI	

46 CFR Part 4	
-- Marine employer has copy of 46 CFR Part 4 readily available	

#### 46 CFR Part 16 Areas of concern

Definitions (16.105)	
--Marine employer uses a consortium/TPA as defined	
--Marine employer aware of definition requirements of Crewmember and that all crewmembers meet this definition	
--Marine employer follows the definition of Operation of identifying crewmembers who are required to be a Crewmember	
--Marine employer understands what "Refuse to submit" means	
--Marine employer understands the Serious Marine Incident (SMI) definition	
--Marine employer uses the term "Service Agent" as defined and understands that Service Agents are not employers nor can stand in the shoes of the employer for this rule	
--Marine employer is aware of the definition of "Sponsoring Organization"	

--Marine employer understands the role of Substance Abuse Professional (SAP) and the Return-to-Duty Process.	
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#### **Specimen Analysis (46.113 and 40.85)**

--Specimens tested for Marijuana, Cocaine, Opiates, PCP, and Amphetamines	
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#### **Penalties (46.115)**

--Marine employer aware of penalties for non-compliance	
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#### **Application of Drug Testing Program (46.201)**

--CG notified of all positive tests	
--Positive mariners removed from safety sensitive position	
--All mariner employers aware by C/TPA that mariners who test positive are referred to a SAP	
--C/TPA has made marine employers aware that all mariners who test positive receive MRO letter and also have a SAP letter stating that treatment recommendations have been completed before being placed in a safety-sensitive position	

#### **Employer, MRO and SAP Functions (46.203)**

--Marine employer cognizant of the roles and reporting requirements for each (Employer, MRO and SAP)	
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#### **Pre-Employment Testing (16.210)**

--All marine employers aware that this is required for all new hires unless waiver requirements met	
--All marine employers have knowledge of waivers	

#### **Periodic Drug Tests (16.220)**

--All marine employers know when this is required	
--Marine employers have knowledge of waiver requirements for periodic test requirement	

#### **Random Drug Tests (16.230)**

--Marine employer knows and understands the requirements of this section	
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--Tests spread throughout the year	
--All required mariners in pool	
--Random testing rate is 50% (Completion rate versus selection rate)	

#### **Serious Marine Incident Testing (16.240)**

--C/TPA and each marine employer have procedures in place to know where to go to meet these timely requirements	
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#### **Reasonable Cause Testing (16.250)**

Parameters for doing this test defined and each marine employer aware of these parameters	
--Drugs and alcohol can be tested for	
--Logbook requirement, if applicable	

#### **Records (16.260)**

--Done in accordance with 40.333	
--C/TPA can provide records within two business days if stored with C/TPA	

#### **Employee Assistance Program (16.401)**

--Program provided through C/TPA services or Employer Contract run program	
--Education program includes: display of info, hotline number, and employers' drug use policy	
--Training program includes: effects/consequences of drug/alcohol use, behavioral clues, and training documentation	
--Supervisory Training program minimum of 60 minutes	
--Documentation of education/training program	

#### **Management Information System (MIS) Report**

--File copy sent to G-MOA by 15 MAR of each year	
--C/TPA prepare a marine employer report that is available for inspection	
--Who will send in the report, the marine employer or the C/TPA?	

#### **Documentation Request (Listing)**



<p>--C/TPA to list documentation that you send to member clients for a vessel inspection and/or audit request to signify that your member client is in good standing and operating in compliance of all applicable regulations</p>	
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